

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE ELECTRONIC BOOKS ANTITRUST : 11 MD 2293 (DLC)
LITIGATION : Related to all
 : matters
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THE STATE OF TEXAS, et al., : 12 Civ. 3394 (DLC)
 :
Plaintiffs, :
-v- : ORDER
PENGUIN GROUP (USA) INC., et al., :
 : JMBNT
Defendants. : ETTRONICALLY
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DENISE COTE, District Judge: 
7/17/2014

On July 16, 2014, plaintiffs moved for preliminary approval of a settlement with Apple ("Proposed Settlement") in the above-captioned actions. Plaintiffs and Apple request that notice to consumers be deferred until final disposition of Apple's appeal of the Court's liability decision. It is hereby

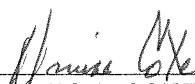
ORDERED that a telephone conference is scheduled for Thursday, **July 24** at **3:00 p.m.** Eastern Daylight Time, with counsel for Apple, the States, and the Class. Counsel shall be prepared to discuss their request for delayed notice. Counsel shall also be prepared to address whether, in the event that their request for delayed notice is not approved, the parties wish to proceed with immediate distribution of notice of the Proposed Settlement, or whether notice in the form approved on

April 1, 2014, should issue in connection with a damages trial, and how quickly that can be accomplished.

IT IS FURTHER ORDERED that plaintiffs shall, by close of business on the West Coast on Monday, **July 21**, present to Apple a proposed notice plan and distribution plan in connection with the Proposed Settlement, which assumes immediate distribution of notice to consumers; Apple shall return any comments to plaintiffs by close of business on the West Coast on Tuesday, **July 22**. The parties shall then confer and submit a joint notice plan and distribution plan to the Court by **4:00 p.m.** Eastern Daylight Time on Wednesday, **July 23**. If any disputes remain, the parties shall raise them with the Court at the time of that submission.

SO ORDERED:

Dated: New York, New York
July 17, 2014


DENISE COTE
United States District Judge